

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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Writer's Direct Dial:

May 18, 2018

(504) _____

RE: Home Sleep Testing

Dear _____

During its April 2018 meeting, the Louisiana State Board of Medical Examiners considered your request for clarification as to whether "home sleep testing equipment had to be set up by a Louisiana licensed polysomnographic technologist?" We understand from your email that your question results from learning a company was "direct mailing home studies to patients for some time, by bypassing having a licensed sleep technologist educating and fitting patients."

The Board asked that I acknowledge your inquiry and advise you that under the Louisiana Polysomnography Practice Act,¹ and corresponding Board regulations² (the "Law"), *Polysomnography* means "[T]he performance of sleep diagnostics under the *direction and supervision of a physician* to provide comprehensive clinical evaluation."³ *Direction and supervision* means "[R]esponsible direction and control by a physician for the proper performance of polysomnographic technology."⁴ *Polysomnography technology* ("PSG") is defined by Louisiana law as "[T]he allied health specialty practiced under the direction and supervision of a physician involving the *attended monitoring* and testing of individuals suffering from any sleep disorders . . . and includes application of electrodes, apparatus and devices necessary to monitor and evaluate sleep disturbances; institution of physiologic monitoring and initiation of testing techniques".⁵

Not unlike other types of diagnostic testing, the Law requires that the devices, equipment and patient instructions necessary to insure proper PSG testing must be performed under physician direction and supervision and given or applied in-person by appropriately trained and

¹La. Rev. Stat. §37:2861-2870.

²LAC 46:XLV.3301-3355; 6305-6313.

³La. Rev. Stat. §37:2862(10), emphasis supplied.

⁴*Direction and Supervision of a Physician* means "[R]esponsible direction and control by a physician for the proper performance of polysomnographic technology. Such direction and supervision shall not be construed to require the physical presence of the supervising physician provided that the physician is immediately available to furnish assistance and direction, either in person or by telephone or by electronic means, throughout the performance of the polysomnographic procedure or service." LAC 46:XLV.3303A.

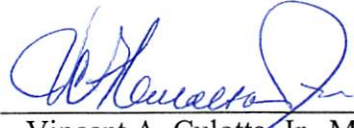
⁵La. Rev. Stat. §37:2862(13) (emphasis supplied).

licensed health care providers.⁶ Stated differently, in the Board's view it is inconsistent with the Law to require (or expect) patients to set up equipment, self-apply electrodes, apparatus or other devices or educate themselves on how the prescribed medical testing necessary to diagnose sleep disorders is to be conducted.

Consistent with the Law and its prior advice on this issue, then, it is the Board's opinion that such activity constitutes the practice of polysomnography and may only be undertaken or performed with respect to individuals located in this state by Louisiana licensed physicians, polysomnographic technologists, technicians and respiratory therapists,⁷ acting under the prescription, direction and supervision of a Louisiana licensed physician.⁸

Very truly yours,

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

By: 

Vincent A. Culotta, Jr., M.D.
Executive Director

⁶The Board's PSG rules also provide that polysomnography technology includes '[S]et-up of the positive air pressure equipment in the patient's home, instructions including use of the equipment and adjustment of the settings, exclusive of delivery and directions on turning the equipment on and off.' LAC 46XLV.3303d. [Definition of *Polysomnographic Technology*].

⁷The scope of practice of respiratory therapists includes PSG; La. Rev. Stat. §37:3353A(5), 37:2861A(1), LAC 46XLV.6307A.3.

⁸La. Rev. Stat. §37:2870A(1) provides that: '[N]o individual shall engage or attempt to engage in the practice of polysomnography or perform or attempt to perform polysomnograms, unless he holds a license issued by the Louisiana State Board of Medical Examiners in accordance with the provisions of this Chapter.'